

Motion To Dismiss Case/Adversary Proceeding and Motion To Sever Case

NOTE: This procedure is to be used if the party filer is a Trustee; if the party filer is NOT a Trustee, the Motions procedure should be used!

INTRODUCTION:

- Chapter 12 or 13 Trustees filing a Motion To Dismiss using the Court's LBF should use the Batch event.
- If filing a Motion To Dismiss Adversary Proceeding, the Motions procedure should be used.

STEP 1. Click on **Bankruptcy** on the ECF Main Menu Bar.

STEP 2. Click on **Motions/Applications**.

STEP 3. The **Case Number** screen displays.

- ☐ Insert the case number using the YY-NNNNN format.
- ☐ Click **Next**.

STEP 4. Confirm the debtor(s) name and case number are correct.

- ☐ Select the appropriate motion from the event list.
- ☐ Click **Next**.

STEP 5. The **Party Selection** screen displays.

- ☐ Select the party filer.
- ☐ Click **Next**.

NOTE: If filing a Motion To Sever Case, proceed to **STEP 6**. If filing a Motion To Dismiss Case, proceed to **STEP 7**.

STEP 6. Several items appear.

- ☐ At **Fee: \$**155, enter "0.00" if the Motion To Sever is being filed for one Debtor's failure to appear at the 341(a) or if the Debtors are not Married. A fee is not required. If the Motion To Sever is being filed for any other reason, a fee is required. In this instance, leave the 155 in the text box and proceed.
- ☐ At **Did Debtor Complete the First Meeting?** click on the Radio Button which corresponds with the correct answer. (Defaults to No.)
- ☐ At **Debtors Are Married?** click on the Radio Button which corresponds with the correct answer. (Defaults to Yes.)
- ☐ Click **Next**.

NOTE: If answering **Yes** to both questions, proceed to **STEP 8**. If answering **No** to either question, proceed to **STEP 9**.

STEP 7. Did Debtor(s) Complete the First Meeting?

- ☐ Click on the Radio Button which corresponds with the correct answer. (Defaults to No.)
- ☐ Click **Next**.

NOTE: If answering **Yes**, proceed to **STEP 8**. If answering **No**, proceed to **STEP 9**.

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EP 8. Click **Browse** to select the appropriate PDF to attach.

- ☐ Click **Next**.

NOTE: If filing a Motion To Sever, proceed to **STEP 10**. If filing a Motion To Dismiss, proceed to **STEP 11**.

STEP 9. Confirm the Debtor(s) name and case number are correct.

- ☐ Click **Next**.

NOTE: If filing a Motion To Sever, proceed to **STEP 10**. If filing a Motion To Dismiss, proceed to **STEP 11**.

STEP 10. **Enter Name of Debtor to be Severed** displays.

- ☐ Enter the name of the Debtor to be severed.
- ☐ Click **Next**.

STEP 11. The **Docket Text: Modify as Appropriate** screen displays.

- ☐ Use the drop down list to select any extra information that may be required to complete the docket text or leave blank
- ☐ Click **Next**.

STEP 12. The **Docket Text: Final Text** screen displays.

- ☐ Confirm the docket text is correct.
- ☐ Click **Next**.

STEP 13. The **Notice of Electronic Filing** screen displays.